

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DALE TRSAR, TRUSTEE OF THE DALE A.
TRSAR TRUST, on behalf of himself and all
others similarly situated and derivatively on
behalf of AKORN, INC.,

Plaintiff,

vs.

JOHN N. KAPOOR, RAJAT RAI, MARK M.
SILVERBERG, DUANE A. PORTWOOD,
ALAN WEINSTEIN, KENNETH S.
ABRAMOWITZ, STEPHEN J. MEYER,
TERRY ALLISON RAPPUHN, ADRIENNE
L. GRAVES, RONALD M. JOHNSON, and
BRIAN TAMBI,

Defendants,

– and –

AKORN, INC.,

Defendant and Nominal
Defendant.

FELIX GLAUBACH, derivatively on behalf of
AKORN, INC.,

Plaintiff,

vs.

JOHN N. KAPOOR, RAJAT RAI,
MARK M. SILVERBERG,
DUANE A. PORTWOOD, ALAN WEINSTEIN,
KENNETH S. ABRAMOWITZ,
STEPHEN J. MEYER,
TERRY ALLISON RAPPUHN,
ADRIENNE L. GRAVES,

Case No. 1:18-cv-07374

Judge John J. Tharp, Jr.

Magistrate Judge M. David Weisman

JURY TRIAL DEMANDED

Case No. 18 CV 8111

Judge John J. Tharp, Jr.

Magistrate Judge M. David Weisman

JURY TRIAL DEMANDED

ORDER CONSOLIDATING SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING LEAD PLAINTIFF AND LEAD COUNSEL

This matter comes before the Court on Plaintiff Dale Trsar, Trustee of the Trsar Trust's Unopposed Motion to Consolidate Shareholder Derivative Actions and Appoint Lead Plaintiff and Lead Counsel in the Consolidated Actions.

Upon consideration of the Motion and the papers submitted in support and in opposition thereto, and good cause appearing, it is HEREBY ORDERED as follows:

- (1) The following related derivative actions filed in this District are consolidated for all purposes under Fed. R. Civ. P. 42(a):
- *Trsar Trust v. Kapoor, et al.*, No. 1:18-cv-07374 (N.D. Ill.) (“*Trsar Trust*”) and
 - *Glaubach v. Kapoor, et al.*, No. 1:18-cv-08111 (N.D. Ill.) (“*Glaubach*”)
- (collectively, the “Consolidated Action”).

- (2) A Master Docket and Master File for this Consolidated Action is established so that every pleading in the Consolidated Action shall be filed in the lowest-numbered case, the *Trsar* Action, No. 1:18-cv-07374, and the Master File shall be No. 1:18-cv-07374. A Master Docket will be maintained for the Consolidated Action with all entries to be docketed under the Master File number. If a document pertains to only a subset of the parties to the Consolidated Action, it is

to be filed on the Master Docket with the notation in the docket text as to the parties to which it pertains.

(3) Separate docket numbers are terminated in accordance with the regular procedures of the Clerk of this Court, and any pending schedules, deadlines or dates in the *Glaubach* Action, No. 1:18-cv-08111 are vacated.

(4) All related derivative actions alleging similar violations that are subsequently assigned to the docket of Judge John J. Tharp, Jr., shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related derivative action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within thirty (30) days after the date on which a copy of the Order is mailed to the party's counsel, pursuant to the following paragraph.

(5) The parties shall file a Notice of Related Cases whenever a related derivative case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, and such determination is approved by the Executive Committee of the District Court, the Clerk shall:

- Place a copy of this Order in the separate file for such action;
- Serve on plaintiff's counsel in the new case a copy of this Order;
- Direct that this Order be served upon defendants in the new case; and
- Make the appropriate entry in the Master Docket.

(6) The caption is updated so that every pleading filed in the Consolidated Action, or in any separate action, shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE AKORN, INC. SHAREHOLDER
DERIVATIVE LITIGATION

)
) Case No. 1:18-cv-07374
)

) Judge John J. Tharp, Jr.
)

This Document Relates to:
ALL ACTIONS

) Magistrate Judge M. David Weisman
)
)
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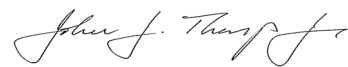
(7) Dale Trsar, Trustee of the Trsar Trust, and Felix Glaubach are appointed as Lead Plaintiffs;

(8) Wexler Wallace LLP is designated as liaison counsel; Berman Tabacco and Bottini & Bottini, Inc. are designated as co-lead counsel; and Berman Tabacco, Bottini & Bottini, Inc., and Hynes & Hernandez, LLC are designated as Plaintiffs' Executive Committee;

(9) The complaint filed in *Trsar Trust* is the operative complaint and case deadlines are set as follows:

- Defendants will answer or otherwise respond to the Complaint on or by January 14, 2019;
- If Defendants move to dismiss and/or stay the Complaint, Plaintiffs will have until February 14, 2019, to file a memorandum in opposition to the motion; and
- Defendants will have until February 28, 2019 to file a reply memorandum of law in further support of their motion.

Dated: January 11, 2019



John J. Tharp, Jr.
United States District Judge